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14

15 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

16 JUDD HALL, : Civil Action No.:
17 v. Plaintiff, :
18 NATIONAL CONSUMER TELECOM : **COMPLAINT FOR DAMAGES**
19 & UTILITIES EXCHANGE, INC, : **PURSUANT TO THE FAIR**
20 Defendant. : **CREDIT REPORTING ACT, 15**
21 : **U.S.C. § 1681, ET SEQ.**
22 : **JURY TRIAL DEMANDED**
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21 **INTRODUCTION**

22 1. The United States Congress has found the banking system is dependent upon
23 fair and accurate credit reporting. Inaccurate credit reports directly impair the
24 efficiency of the banking system, and unfair credit reporting methods
25 undermine the public confidence, which is essential to the continued
26 functioning of the banking system. Congress enacted the Fair Credit
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1 Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to ensure fair and accurate
2 reporting, promote efficiency in the banking system, and protect consumer
3 privacy. The FCRA seeks to ensure consumer reporting agencies exercise
4 their grave responsibilities with fairness, impartiality, and a respect for the
5 consumer’s right to privacy because consumer reporting agencies have
6 assumed such a vital role in assembling and evaluating consumer credit and
7 other information on consumers. The FCRA also imposes duties on the
8 sources that provide credit information to credit reporting agencies, called
9 “furnishers.”

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12 2. Through a tightly wound set of procedural protections, the FCRA protects
13 consumers from the material risk of harms that otherwise flow from inaccurate
14 reporting. Thus, through the FCRA, Congress struck a balance between the
15 credit industry’s desire to base credit decisions on accurate information, and
16 consumers’ substantive right to protection from damage to reputation, shame,
17 mortification, and the emotional distress that naturally follows from
18 inaccurate reporting of a consumer’s fidelity to his or her financial
19 obligations.

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21 3. Judd Hall (“Plaintiff”), by Plaintiff’s attorneys, brings this action against
22 National Consumer Telecom & Utilities Exchange, Inc (“NCTUE” or
23 “Defendant”) for violations of the FCRA, as set forth below.

JURISDICTION AND VENUE

4. This Court has federal question jurisdiction because this case arises out of violations of the FCRA. 15 U.S.C. § 1681 *et seq.*; 28 U.S.C. § 1331; *Smith v. Community Lending, Inc.*, 773 F.Supp.2d 941, 946 (D. Nev. 2011).

5. Venue is proper in the United States District Court for the District of Nevada pursuant to 28 U.S.C. § 1331 because Plaintiff is a resident of Clark County, Nevada and because Defendant is subject to personal jurisdiction in Clark County, Nevada; conduct business in Clark County, Nevada; the events giving rise to this action occurred in Clark County, Nevada; and Defendant is registered with the Nevada Secretary of State as a foreign limited liability company and has appointed a registered agent in Nevada.

PARTIES

6. Plaintiff is a natural person residing in the County of Clark, State of Nevada. In addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

7. NCTUE regularly assembles and/or evaluates consumer credit information for the purpose of furnishing consumer credit reports to third parties, and uses interstate commerce to prepare and/or furnish the reports. NCTUE is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f), doing business with its principal place of business in Georgia.

1 8. Unless otherwise indicated, the use of Defendant's names in this Complaint
2 includes all agents, employees, officers, members, directors, heirs, successors,
3 assigns, principals, trustees, sureties, subrogees, representatives, and insurers
4 of Defendant.

6 **NCTUE Failed to Respond to Plaintiff's Written Dispute**

7 9. In an NCTUE credit report dated October 22, 2020, NCTUE reported
8 inaccurate, incorrect, and misleading information regarding the payment
9 status and balances of two Comcast accounts in Plaintiff's credit history.

10 10. On or about December 2, 2020, pursuant to 15 U.S.C. § 1681i(a)(2), Plaintiff
11 disputed the inaccurate, incorrect, and misleading Comcast tradelines reported
12 by NCTUE.

13 11. Specifically, Plaintiff mailed a written dispute, first class US Mail, to NCTUE
14 ("First Dispute Letter"), requesting the inaccurate, incorrect, and misleading
15 Comcast tradelines be corrected or deleted.

16 12. NCTUE was required to conduct an investigation into the disputed accounts
17 pursuant to 15 U.S.C. § 1681i and provide Plaintiff with a timely written
18 reinvestigation report detailing the results of NCTUE's investigation.

19 13. NCTUE failed to comply with its obligation to provide Plaintiff with the
20 results of any "reinvestigation" as required pursuant to 15 U.S.C. §

1 1681i(a)(6) relating to the First Dispute Letter. Indeed, NCTUE simply never
2 responded to the First Dispute Letter at all.

3 14. As a result of NCTUE’s failure to provide Plaintiff with a written response to
4 the First Dispute Letter, Plaintiff was forced to incur additional time, cost, and
5 anguish in preparing, mailing, and paying for an additional dispute on
6 February 11, 2021 (“Second Dispute Letter”).
7

9 15. The Second Dispute Letter was mailed to NCTUE via first class US Mail and
10 disputed the inaccurate, incorrect, and misleading Comcast tradelines reported
11 by NCTUE and requested NCTUE correct or delete the Comcast tradelines.
12

13 16. Again, NCTUE was required to conduct an investigation into the disputed
14 accounts pursuant to 15 U.S.C. § 1681i and provide Plaintiff with a timely
15 written reinvestigation report detailing the results of NCTUE’s investigation.
16

17 17. NCTUE again failed to comply with its obligation to provide Plaintiff with
18 the results of any “reinvestigation” as required pursuant to 15 U.S.C. §
19 1681i(a)(6) relating to the Second Dispute Letter. Indeed, NCTUE simply
20 never responded to the Second Dispute Letter at all.
21

23 18. As a result of NCTUE’s failure to provide a consumer disclosure in response
24 to the First Dispute Letter and Second Dispute Letter, NCTUE twice
25 negligently failed in its duties as required by and in violation of 15 U.S.C. §
26 1681i(a)(6).
27

19. Further, NCTUE twice willfully failed in its duties as required by and in violation of 15 U.S.C. § 1681i(a) when NCTUE failed to provide written notice to Plaintiff of the results of a reinvestigation not later than 5 business days after the completion of the reinvestigation (assuming an investigation was completed), by mail or, if authorized by the consumer for that purpose, by other means available to the agency. Indeed, NCTUE failed to provide Plaintiff any evidence of any investigation it conducted into the disputes raised in either Dispute Letter, thereby necessitating Plaintiff send additional demands to correct inaccurate information and shirking NCTUE's duties under the FCRA.

**FIRST CAUSE OF ACTION
VIOLATION OF THE FAIR CREDIT REPORTING ACT
15 U.S.C. § 1681 ET SEQ. (FCRA)**

20. Plaintiff incorporates by reference all the above paragraphs of this Complaint as though fully stated herein.

21. Defendant failed to conduct a reasonable investigation as required by 15 U.S.C. § 1681j(a).

22. Defendant failed to review all relevant information provided by Plaintiff in the Dispute Letters as required by and in violation of 15 U.S.C. § 1681j(a).

23. Upon receipt of the Dispute Letters, Defendant failed to conduct an investigation with respect to the disputed information as required by 15 U.S.C. § 1681i(a).

24. Despite Plaintiff's efforts to correct Defendant's erroneous and negative reporting in writing, Defendant neglected, refused, or failed to do so.

25. Defendant's failure to correct its inaccurate and negative reporting in light of its knowledge of the actual error was willful. Plaintiff is, accordingly, eligible for statutory damages.

26. Also as a result of Defendant's failure to provide a reinvestigation regarding its inaccurate and negative reporting, Plaintiff has suffered actual damages, including without limitation fear of credit denials, out-of-pocket expenses in challenging Defendant's wrongful representations, damage to his creditworthiness, and emotional distress.

27. The foregoing acts and omissions constitute numerous and multiple willful, reckless, or negligent violations of the FCRA, including but not limited to each and every one of the above-cited provisions of the FCRA, 15 U.S.C. § 1681.

28. As a result of each and every willful violation of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive

1 damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and
2 reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from
3 Defendant.

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5 29. As a result of each and every negligent noncompliance of the FCRA, Plaintiff
6 is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §
7 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. §
8 1681o(a)(2) from Defendant.

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10 **PRAYER FOR RELIEF**

11 Plaintiff respectfully requests the Court grant Plaintiff the following relief
12 against Defendant:

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14 **FIRST CAUSE OF ACTION**
15 **VIOLATION OF THE FAIR CREDIT REPORTING ACT**
16 **15 U.S.C. § 1681 ET SEQ. (FCRA)**

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- actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
 - statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
 - punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
 - costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendant for each incident of negligent noncompliance of the FCRA; and
 - any other relief the Court may deem just and proper.

TRIAL BY JURY

30. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: May 9, 2021

Respectfully submitted,

By /s/ David Krieger, Esq.
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